

Message Text

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ACTION AID-31

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FM AMEMBASSY SAIGON

TO SECSTATE WASHDC PRIORITY 2030

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TAGS/ SREF, SWEL, VS

SUBJECT: SENATE JUDICIARY SUBCOMMITTEE ON REFUGEES- CHILD
WELFARE HEARINGS

AIDAC

STATE 092015

1. FOLLOWING ARE MISSION COMMENTS ON DUMPSON- KLEIN
RECOMMENDATIONS AS REQUESTED REFTEL:

2. REFTEL PARA 1 A:

A. WE BELIEVE THE FOUR EXISTING ADOPTION AGENCIES WITH THE ASSISTANCE OF USAID, THE EMBASSY CONSULAR SECTION AND THE MINISTRY OF SOCIAL WELFARE CAN HANDLE THE ADOPTION SITUATION HERE. EFFORTS BY MISSION AND MINISTRY OF SOCIAL WELFARE ARE UNDERWAY TO IMPROVE PROCEDURES FOR COORDINATING AND EXPEDITING INTER- COUNTRY ADOPTION OF VIETNAMESE CHILDREN THROUGH THE FOUR AGENCIES AND WE SEE NOTHING TO BE GAINED BY CONSORTIUM PROPOSAL WHICH WE FEAR WOULD ONLY SOW GREATER CONFUSION, RAISE GVN RESISTANCE TO FURTHER US PRESSURE, AND GIVE GVN ADDITIONAL REASON TO DELAY REGULARIZATION OF INTER- COUNTRY ADOPTION WHILE AWAITING ESTABLISHMENT OF YET ONE MORE BUREAUCRATIC LAYER SEPARATING PROSPECTIVE ADOPTIVE PARENTS FROM ORPHANS. THE FOUR AGENCIES ARE HERE AND, WITH THE EXCEPTION OF HOLT
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CHILDREN'S SERVICES, ALREADY OPERATIONAL. CONSORTIUM COULD REQUIRE MONTHS IN THE PLANNING STAGES AND SEVERAL MORE MONTHS TO BECOME OPERATIONAL. IF CONTINUED CONSIDERATION IS TO BE GIVEN TO CONSORTIUM CONCEPT WE BELIEVE GOALS SHOULD BE LONG-RANGE AND DIRECTED TOWARD MORE GENERAL CHILD WELFARE NEEDS OF THE COUNTRY. FOR EXAMPLE, CONSORTIUM MIGHT BE USEFUL FOCUS FOR MULTITUDE OF SMALL CHILD- CARE AND OTHER WELFARE GROUPS INTERESTED SIMPLY IN " DOING SOMETHING" FOR CHILDREN OF VIETNAM. IF INTER- COUNTRY ADOPTION IS SOLE PURPOSE OF RECOMMENDATION, WE SUGGEST COMMITTEE CONSIDER POSSIBILITY OF FUNDING TO ASSIST THE EXISTING FOUR AGENCIES TO EXPAND THEIR PERSONNEL AND RESOURCES.

B. WE BELIEVE IT IMPORTANT TO KEEP IN MIND THAT INTER-COUNTRY ADOPTIONS AT BEST CAN BE ONLY VERY SMALL PART OF SOLUTION TO PROBLEM OF WELFARE OF CHILDREN IN VIETNAM. MAJOR THRUST HAS BEEN AND WILL CONTINUE TO BE ON PROVIDING CARE FOR CHILDREN WHO WILL GROW UP AND LIVE THEIR LIVES HERE, INCLUDING AMERICAN- FATHERED MIXED- BLOOD CHILDREN WHO, BECAUSE OF AGE OR HANDICAP, ARE EFFECTIVELY UNADOPTABLE AND WILL REMAIN IN VIETNAM. WE WISH TO STRESS THAT WE ARE ACUTELY AWARE OF US PUBLIC INTEREST IN ADOPTIONS AND IN USG RESPONSIBILITY TOWARD RACIALLY- MIXED CHILDREN IN VIETNAM. WE HOPE THAT BY ENCOURAGING MSW AND THE ORPHANAGES THROUGHOUT VIETNAM TO WORK THROUGH THE AMERICAN AGENCIES LICENSED TO HANDLE INTER- COUNTRY ADOPTIONS WE CAN NOT ONLY ESTABLISH AN ORDERLY AND EFFECTIVE SYSTEM FOR ADOPTIONS BUT ALSO ALLEVIATE THE NEED FOR MSW AND THE GVN TO DEVOTE AN EXCESS OF THEIR LIMITED RESOURCES TO THIS PROBLEM AND THEREBY FREE THEM TO CONCERN THEMSELVES WITH THE EFFECTIVE DEVELOPMENT OF OTHER CHILD WELFARE PROGRAMS.

3. PARA 1 B: WE DO NOT UNDERSTAND REFERENCE TO " BOTTLENECK" WITH INS HONG KONG. UNDER CURRENT PROCEDURES INS HONG KONG IS NOT INVOLVED IN THE BULK OF VIETNAMESE ADOPTIONS SINCE PARENTS FILE THEIR PETITIONS WITH ANY ONE OF THE REGIONAL INS OFFICES IN THE US AND REQUESTS FOR ORPHAN INVESTIGATIONS ARE HANDLED BY THE CONSULAR SECTION IN SAIGON. BIGGEST " BOTTLENECK" IN TERMS OF SHORTAGE OF PERSONNEL IS EMBASSY SAIGON'S CONSULAR SECTION WHERE STAFF HANDLING ALL VISA APPLICATIONS (INCLUDING ORPHANS) HAS BEEN REDUCED RECENTLY

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FROM THREE VICE CONSULS TO ONE. ADDITIONAL STAFF IN SAIGON WOULD BE FAR MORE USEFUL THAN ADDITIONAL MEMBER IN HONG KONG.

4. PARA 1 C: THE EMBASSY WILL CONTINUE TO SUPPORT ANY IMPROVEMENT ADOPTION LEGISLATION HERE. THE DRAFT

LEGISLATION REFERRED TO IN REFTEL WAS PREPARED WITH A USAID GRANT BY A COMMITTEE HEADED BY PHAM THI TU, DEAN OF THE NATIONAL SCHOOL OF SOCIAL WELFARE. IT APPEARS, HOWEVER, THAT DRAFT WILL REQUIRE CONSIDERABLE EFFORT TO MAKE IT INTO A WORKABLE DOCUMENT. AT PRESENT A GROUP COMPOSED OF THE HEADS OF THE FOUR ADOPTION AGENCIES, USAID REPRESENTATIVES, AND CONSULAR SECTION VISA OFFICER ARE MEETING TO REVIEW THE DRAFT.

5. IT SHOULD BE RECOGNIZED THAT LEGISLATION IN THIS FIELD IS LOW PRIORITY CONCERN TO THE GVN. FURTHERMORE, SINCE PRESIDENTIAL EMERGENCY POWERS HAVE EXPIRED, DRAFT CANNOT BE LOGISLATED BY DECREE BUT WILL HAVE TO BE REFERRED TO THE NATIONAL ASSEMBLY. SINCE PUBLIC SENTIMENT HERE WITH REGARD TO FOREIGN ADOPTIONS IS DIFFICULT TO JUDGE AND AT LEAST ONE OPPOSITION POLITICAL PARTY HAS SHOWN INTEREST IN MAKING A POLITICAL ISSUE OF RACIALLY- MIXED CHILDREN, FATE OF SUCH LEGISLATION IS HARD TO PREDICT.

6. PARA 1 D: WE AGREE PROPOSED STEPS WOULD BE HELPFUL. AID/ W IS IN BETTER POSITION THAN MISSION TO RESPOND TO RECOMMENDATION FOR MORE THAN " ONE- YEAR" FUNDING.

7. PARA 1 E: WE HAVE TRIED UNSUCCESSFULLY IN PAST TO GET GVN AGREEMENT TO RAISE MSW PERSONNEL CEILINGS; THE PROBLEM IS WIDESPREAD THROUGHOUT GVN AND LIES MAINLY WITH ANTIQUATED CIVIL SERVICE REGULATIONS. FURTHER EFFORTS WILL BE MADE. HOWEVER, RAISED CEILINGS WOULD NOT SOLVE PROBLEM OF UNAVAILABILITY OF COMPETENT CHILD WELFARE PERSONNEL TO HIRE. IN TIME, NATIONAL SCHOOL FOR SOCIAL WORK TRAINING PROGRAMS WILL PRODUCE SUCH PERSONNEL. MEANWHILE, THE EXPANSION OF VOLUNTARY AGENCY ACTIVITIES INVOLVING ON- THE- JOB TRAINING MAY BE BEST APPROACH TO INCREASING CHILD WELFARE SERVICES.

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8. PARA 1 F: UNTIL SUCH TIME AS IT IS CLEAR THAT GVN IS WILLING TO ACCORD GREATER PRIORITY, RESOURCES, AND STAFF TO CHILD WELFARE PROGRAMS, LITTLE CAN BE GAINED BY ADDING ADDITIONAL STAFF TO USAID. HOWEVER, USAID HAS REAL NEED FOR PROFESSIONALLY QUALIFIED MASTER OF SOCIAL WORK AND HOPES AID/ W CAN PROVIDE SUCH A PERSON IN NEAR FUTURE WITHIN CURRENTLY AUTHORIZED STAFFING PATTERN LIMITATIONS.

9. PARA 1 G: WE AGREE.

10. PARA H: WE BELIEVE THAT ANY PROSPECTIVE LIGISLATION " ENABLING AMERICAN- FATHERED CHILDREN IN VIETNAM TO OBTAIN AMERICAN CITIZENSHIP, IF THEY SO WISH, UPON REACHING THEIR MAJORITY" WOULD BE ILL- CONSIDERED. ADMINISTRATION OF SUCH

A LAW WOULD POSE SEVERE PROBLEMS UNLESS STEPS WERE TAKEN NOW TO DOCUMENT THESE CHILDREN APPROPRIATELY. TWENTY- ONE YEARS AFTER THE FACT IT WILL BE VIRTUALLY IMPOSSIBLE TO ESTABLISH THE PATERNITY OF THESE CHILDREN. RATHER, WE SUGGEST CONSIDERATION BE GIVEN TO SPECIAL LEGISLATION, LIMITED IN TIME (3-5 YEARS) AND LOCATION (SOUTH VIETNAM) WHICH WOULD ENABLE AMERICAN CITIZEN FATHERS TO " RECOGNIZE" THEIR ISSUE BY VIETNAMESE MOTHERS FOR THE PURPOSE OF ESTABLISHING THE US CITIZENSHIP OF THE CHILD. NEITHER MARRIAGE TO THE MOTHER NOR ADOPTION OF THE CHILD SHOULD BE REQUIRED. SUCH A PROCEDURE COULD BE ARRANGED TO DOVETAIL WITH PRESENT GVN PROVISIONS WHICH PERMIT MIXED- BLOOD CHILDREN TO BE RECOGNIZED BY THEIR AMERICAN FATHERS ON A CASE- BY- CASE BASIS.

1. PARA 1 I: WE FULLY AGREE.
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